



January 12, 2018

Subcommittee on International Human Rights
of the Standing Committee on Foreign Affairs and International Development
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6
Canada

Dear Members of the Sub-committee:

The Canadian Coalition for the Rights of Children (CCRC) appreciates the attention being paid to what Canada can do to address the important issues of child labour and modern slavery, with particular attention to the role of Canadian companies in international supply chains. The Coalition is a national network of organizations and individuals dedicated to implementation of the Convention of the Rights of the Child in Canada and globally. This study illustrates the important connection between national and international efforts to realize the rights of children, including both the right to be free from exploitation in the workplace and the right of every child to develop their full potential.

The Coalition would like to draw four matters to the attention of committee members as you complete this study:

1. The Convention on the Rights of the Child provides a helpful and comprehensive framework for an effective response to these issues. It helps to address concerns raised by committee members with regard to the complex factors in individual situations and the need for more holistic responses to be effective. Several provisions of the Convention are important as well as Article 32, which addresses child labour explicitly.

Recommendation: That all legislative and programmatic responses explicitly recognize the Convention on the Rights of the Child as a comprehensive framework for implementation to help ensure that attention is paid to all factors from the perspective of the best interests of the child as a person with both participative and protective rights.

2. During the last review of Canada's implementation of the Convention, Canada was asked to establish an appropriate regulatory framework for the business sector. We would like to draw the committee's attention to the Concluding Observations by the United Nations Committee on the Rights of the Child:

“The Committee is particularly concerned that the State party lacks a regulatory framework to hold all companies and corporations from the State party accountable for human rights and environmental abuses committed abroad.”

The Committee recommends that the State Party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment, and other standards, particularly with regard to child rights ... (Committee on the Rights of the Child. Concluding Observations: Canada, paragraphs 28-29. CRC/C/CAN/CO/3-4, p. 6)

More specifically, the committee recommended that Canada ensure that the regulations include monitoring, appropriate sanctions, remedies for violations, and public disclosure, as described:

29.b. The monitoring of implementation by companies at home and abroad of international and national environmental and health and human rights standards and that appropriate sanctions and remedies are provided when violations occur with a particular focus on the impact on children;

29.c. Assessments, consultations with and disclosure to the public by companies on plans to address environmental and health pollution and the human rights impacts of their activities. (Committee on the Rights of the Child. Concluding Observations: Canada, paragraph 29.b and c. CRC/C/CAN/CO/3-4, p. 6)

Canada’s next report on implementation of the Convention is due on July, 2018. Canada will be asked to respond to the recommendations from the last review. That makes the work of this committee very timely.

Recommendation: That the Committee respond positively to the relevant recommendations from the UN Committee on the Rights of the Child in its last report on Canada’s implementation of the Convention.

3. Several members of the Coalition are engaged in a unique international initiative to bring together the perspectives and the experience of the Working Children movement and the perspectives of child protection networks. The purpose is to develop a more effective framework that both respects the rights of children to develop their full potential, including through work, and their right to be protected from unsafe and exploitative working conditions. The outcome of

this initiative, rooted in all the rights in the Convention, is expected to advance research and support dialogue for more nuanced and effective approaches for all partners to use in order to achieve the sustainable developments goals by 2025.

Recommendation: That implementation of Canada’s regulatory framework consider what is being learned by bringing together the various perspectives and experiences of young people themselves to develop more practical, good practices for businesses and governing bodies, including the option of incentives to encourage good practices as well as regulations.

4. Within Canada court decisions have pointed out that there is no clear definition of what constitutes harm or exploitation regarding children’s work (McDonald v. McDonald, 2017 BCCA 255). This makes it more difficult to determine when children’s rights are being infringed under Canadian law as interpreted by the Convention on the Rights of the Child.

Recommendation: That the Committee recommend Canada undertake a process to better define and understand the conditions under which a young person’s work is to be considered harmful or exploitative, including the participation of working young people in this process. Outcomes of such an initiative could provide more robust guidance for implementation of children’s rights in Canada and globally.

For more information or discussion of these recommendations, please contact:

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